



Our Case No. 33/848

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Welch et al.)
Serial No. TO BE ASSIGNED)
Filing Date: TO BE ASSIGNED)
For: HIGHWAY CRASH ATTENUATOR)
FRAME)

#4/SUB
DEC.
Hawkins
3/28/02

**DECLARATION OF ANDREW A. PORTERFIELD
and PATRICK A. LEONHARDT**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We, Andrew A. Porterfield and Patrick A. Leonhardt, hereby declare as follows:

1. We are the inventors named in a recently filed U.S. patent application identified as Attorney Docket No. 33/839.
2. Our previously filed patent application Attorney Docket No. 33/839 discloses at page 11, line 20 through page 12, line 2 the use of tie rods anchored at each end to a side frame element, the tie rods including overlapping parts held together by one or more shear pins such as bolts. This information was included in our patent application Attorney Docket No. 33/839 in order to ensure that the best mode of putting our invention into practice was disclosed.
3. Our patent application Attorney Docket No. 33/839 does not claim the use of tie rods extending between side frame elements and secured together by overlapping parts held together by one or more shear pins such as bolts. This is because the use of such tie rods, overlapping parts and shear pins was not our invention. Rather, the features disclosed in our application Attorney Docket No. 33/839 at page 11, line 20 through page 20, line 2 were disclosed to us by James B. Welch and Lincoln C. Cobb.

To the best of our knowledge and belief, these features were invented by Messrs. Welch and Cobb and disclosed to us for inclusion in our patent application.

4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature: Andrew A. Porterfield
Andrew A. Porterfield

Date: 11/13/01

Signature: Patrick A. Leonhardt
Patrick A. Leonhardt

Date: 11.13.01